

DAYLE ELIESON
 United States Attorney
 ELHAM ROOHANI
 Nevada Bar #12080
 Assistant United States Attorney
 501 Las Vegas Blvd. South, Suite 1100
 Las Vegas, Nevada 89101
 (702) 388-6336
elham.roohani@usdoj.gov

Attorney for Plaintiff
 United States of America

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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNE LEWIS OWENS II,

Defendant.

Case No. 2:17-cr-296-JAD-CWH

**PLEA AGREEMENT UNDER
FED. R. CRIM. P. 11(c)(1)(A) and
(B)**

Plaintiff United States of America, by and through DAYLE ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States Attorney, the defendant, JOHNE LEWIS OWENS II, and the defendant's attorney, NISHA BROOKS-WHITTINGTON, submit this Plea Agreement under Fed. R. Crim. P. 11(c)(1)(A and B).

I. SCOPE OF AGREEMENT

The parties to this Plea Agreement are the United States of America and JOHNE LEWIS OWENS II (the defendant). This Plea Agreement binds the defendant and the United States Attorney's Office for the District of Nevada. It does not bind any other prosecuting, administrative, or regulatory authority, the United States Probation Office, or the Court.

The Plea Agreement sets forth the parties' agreement regarding criminal

1 charges referenced in the Plea Agreement and applicable sentences, fines,
 2 restitution and forfeiture. It does not control or prohibit the United States or any
 3 agency or third party from seeking any other civil or administrative remedies
 4 directly or indirectly against the defendant.

5 II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS

6 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead
 7 guilty to the Criminal Indictment:

8 **Count 2:** Distribution of Child Pornography in violation of 18 U.S.C. §
 9 2252A(a)(2) and (b)(1).

10 The defendant also agrees to the forfeiture of the property and the imposition
 11 of the forfeiture of the property as set forth in the Plea Agreement and the Forfeiture
 12 Allegations of the Criminal Indictment.

13 B. Waiver of Trial Rights. The defendant acknowledges that he has been
 14 advised and understands that by entering a plea of guilty he is waiving -- that is,
 15 giving up -- certain rights guaranteed to all defendants by the laws and the
 16 Constitution of the United States. Specifically, the defendant is giving up:

17 1. The right to proceed to trial by jury on all charges, or to a trial
 18 by a judge if the defendant and the United States both agree;

19 2. The right to confront the witnesses against the defendant at such
 20 a trial, and to cross-examine them;

21 3. The right to remain silent at such a trial, with assurance that his
 22 silence could not be used against him in any way;

23 4. The right to testify in his own defense at such a trial if he so
 24 chooses;

5. The right to compel witnesses to appear at such a trial and testify
 in the defendant's behalf; and

6. The right to have the assistance of an attorney at all stages of
 such proceedings.

1 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw
2 his guilty plea after he has entered it in court.

3 D. Additional Charges. The United States agrees not to bring any
4 additional charges against the defendant arising out of the investigation in the
5 District of Nevada which culminated in this Plea Agreement and based on conduct
6 known to the United States except that the United States reserves the right to
7 prosecute the Defendant for any crime of violence as defined by 18 U.S.C. § 16.

7 III. ELEMENTS OF THE OFFENSES

8 A. The elements of Distribution of Child Pornography under 18 U.S.C. §
9 2252A(a)(2) are:

- 10 1. The defendant knowingly distributed child pornography, as
11 defined by 18 U.S.C. § 2256(8), or material which contained such
12 child pornography;
- 13 2. Such items of child pornography or material containing such
14 child pornography had been mailed, shipped or transported in
15 interstate or foreign commerce, by any means, including by
16 computer; and,
- 17 3. The defendant knew that such item(s) or material constituted or
18 contained child pornography as defined in 18 U.S.C. § 2256(8).

17 IV. FACTS SUPPORTING GUILTY PLEA

18 A. The defendant will plead guilty because he is, in fact and under the law,
19 guilty of the crime charged.

20 B. The defendant acknowledges that if he elected to go to trial instead of
21 pleading guilty, the United States could prove his guilt beyond a reasonable doubt
22 and establish its right to forfeit the specified property. The defendant further
23 acknowledges that his admissions and declarations of fact set forth below satisfy
24 every element of the charged offense.

C. The defendant waives any potential future claim that the facts he

1 admitted in this Plea Agreement were insufficient to satisfy the elements of the
2 charged offenses.

3 D. The defendant admits and declares under penalty of perjury that the
4 facts set forth below are true and correct:

5 1. Between November 2015 and May 2016, OWENS uploaded numerous
6 images of child pornography, namely images of the sexual abuse of VICTIM
7 1, to his Tumblr¹ account.

8 2. On May 14, 2017, while Owens was in custody for traffic warrants,
9 OWENS' wife came across OWENS' cellular telephone in their bedroom.
10 OWENS' wife opened the phone and saw the Tumblr application downloaded
11 onto the phone. OWENS' wife opened the Tumblr application and saw what
12 she immediately recognized to be photos VICTIM 1 and OWENS. The images
13 were of OWENS masturbating while viewing VICTIM 1 nude. OWENS' wife
14 was able to identify the locations where images and videos were created.

15 3. OWENS' wife asked VICTIM 1 about the images. VICTIM 1 disclosed
16 the sexual abuse. OWENS' wife brought the cellular telephone to the North
17 Las Vegas Police Department and filed a report. A search warrant on OWENS'
18 Tumblr account revealed the account is "open" meaning viewable by the
19 public. The following images of child pornography were uploaded by OWENS
20 to Tumblr and were openly viewable and therefore distributed by OWENS:

21 a. A photograph of OWENS masturbating while sitting in the
22 driver's seat of a vehicle. VICTIM 1 was seated in the passenger seat of the
23 same vehicle exposing her vagina and also pictured touching her vagina with
24 her fingers while rubbing her own breasts.

¹ Tumblr is a social media platform that allows users to browse the "Tumblrs" (photo-blogs, essentially) of other users, or to create unique picture content on their own "Tumblr" blog. While privacy settings can be manipulated, "open" accounts make the user's content available for public viewing.

1 b. A photograph of VICTIM 1 bent over at the waist wearing colored
2 underwear with OWENS placing his erect penis in the buttocks of VICTIM 1,
3 on top of the underwear.

4 4. When OWENS' wife confronted OWENS about the images and videos,
5 OWENS made incriminating statements such as "I did some fucked up
6 things." On another recorded call between OWENS and his wife, OWENS
7 admitted to sexually abusing VICTIM 1 and uploading images of the abuse
8 onto his Tumblr account.

9 5. VICTIM 1 was 16 years of age during all relevant periods.

10 6. Law enforcement conducted a recorded interview with OWENS. Post-
11 *Miranda*, OWENS confessed to the sexual contact with VICTIM 1. OWENS
12 also confessed to taking photographs and videos of their sex acts and
13 uploading them onto his Tumblr account.

14 7. Use of the internet to connect to the worldwide web, to upload images
15 to Tumblr, and to therefore distribute child pornography causes the images of
16 child pornography to be transported and travel in interstate or foreign
17 commerce by computer.

18 8. The defendant admits that the property listed in Section XI is (1) any
19 visual depiction described in Title 18, United States Code, Section 2252A, or
20 any book, magazine, periodical, film, videotape, or other matter which
21 contains any such visual depiction, which was produced, transported, mailed,
22 shipped or received in violation of Title 18, United States Code, Section
23 2252A(a)(2) and (2) any property, real or personal, used or intended to be used
24 to commit or to promote the commission of Title 18, United States Code,
Section 2252A(a)(2) or any property traceable to such property, and is subject
to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and
(a)(3).

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1 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

2 The facts set forth in Section IV of this Plea Agreement shall be admissible
3 against the defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any
4 purpose. If the defendant does not plead guilty or withdraws his guilty pleas, the
5 facts set forth in Section IV of this Plea Agreement shall be admissible at any
6 proceeding, including a trial, for impeaching or rebutting any evidence, argument or
7 representation offered by or on the defendant's behalf. The defendant expressly
8 waives all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 regarding the
use of the facts set forth in Section IV of this Plea Agreement.

9 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

10 A. Discretionary Nature of Sentencing Guidelines. The defendant
11 acknowledges that the Court must consider the United States Sentencing Guidelines
12 ("USSG" or "Sentencing Guidelines") in determining the defendant's sentence, but
13 that the Sentencing Guidelines are advisory, not mandatory, and the Court has
discretion to impose any reasonable sentence up to the maximum term of
imprisonment permitted by statute.

14 B. Offense Level Calculations. The parties stipulate and agree to the
15 following calculation of the defendant's offense level under the Sentencing
16 Guidelines, acknowledge that these stipulations do not bind the Court, and agree
17 that they will not seek to apply any other specific offense characteristics,
enhancements or reductions:

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1	1.	Count 2: Distribution of Child Pornography	
2		18 U.S.C. § 2252A(a)(2):	
3		Base Offense Level, USSG § 2G2.2(a)(2):	22
4		Enhancements:	
5		Knowing Distribution	
6		USSG § 2G2.2(b)(3)(f):	+2
7		Pattern of Activity	
8		USSG § 2G2.2(b)(5):	+5
9		Use of a Computer	
10		USSG § 2G2.2(b)(6):	+2
11		10-150 images	
12		USSG § 2G2.2(b)(7)(A):	+1
13		Total Offense Level	32
14		Reductions:	
15		Contingent Reduction for	
16		Acceptance of Responsibility	
17		USSG § 3E1.1(a):	- 2
18		Timeliness of Plea	
19		USSG § 3E1.1(b):	-1
20		Adjusted Offense Level:	29

The parties agree and stipulate that no other specific offense characteristics will apply in this case. The defendant acknowledges that the statutory maximum sentence and the statutory minimum sentence limit the Court's discretion in determining the defendant's sentence notwithstanding any applicable Sentencing Guidelines provisions.

C. Reduction of Offense Level for Acceptance of Responsibility. Under USSG § 3E1.1(a), the United States will recommend that the defendant receive a two-level downward adjustment for acceptance of responsibility unless he (a) fails to truthfully admit facts establishing a factual basis for the guilty plea when he enters the plea; (b) fails to truthfully admit facts establishing the amount of restitution owed when he enters his guilty plea; (c) fails to truthfully admit facts establishing the forfeiture allegations when he enters his guilty plea; (d) provides false or

1 misleading information to the United States, the Court, Pretrial Services, or the
2 Probation Office; (e) denies involvement in the offense or provides conflicting
3 statements regarding his involvement or falsely denies or frivolously contests
4 conduct relevant to the offense; (f) attempts to withdraw his guilty plea; (g) commits
5 or attempts to commit any crime; (h) fails to appear in court; or, (i) violates the
6 conditions of pretrial release.

7 Under USSG § 3E1.1(b), if the Court determines that the Defendant's total
8 offense level, before operation of § 3E1.1(a), is 16 or higher, and if the United States
9 recommends a two-level downward adjustment pursuant to the preceding
10 paragraph, the United States will move for an additional one-level downward
11 adjustment for acceptance of responsibility before sentencing because the Defendant
12 communicated his decision to plead guilty in a timely manner that enabled the
13 United States to avoid preparing for trial and to efficiently allocate its resources.

14 D. Criminal History Category. The defendant acknowledges that the
15 Court may base his sentence in part on the defendant's criminal record or criminal
16 history. The Court will determine the defendant's Criminal History Category under
17 the Sentencing Guidelines.

18 E. Relevant Conduct. The Court may consider any counts dismissed
19 under this Plea Agreement and all other relevant conduct, whether charged or
20 uncharged, in determining the applicable Sentencing Guidelines range and whether
21 to depart from that range.

22 F. Additional Sentencing Information. The stipulated Sentencing
23 Guidelines calculations are based on information now known to the parties. The
24 parties may provide additional information to the United States Probation Office
and the Court regarding the nature, scope, and extent of the defendant's criminal
conduct and any aggravating or mitigating facts or circumstances.

Good faith efforts to provide truthful information or to correct factual
misstatements shall not be grounds for the defendant to withdraw his guilty plea.

1 The defendant acknowledges that the United States Probation Office may
2 calculate the Sentencing Guidelines differently and may rely on additional
3 information it obtains through its investigation. The defendant also acknowledges
4 that the Court may rely on this and other additional information as it calculates the
5 Sentencing Guidelines range and makes other sentencing determinations, and the
6 Court's reliance on such information shall not be grounds for the defendant to
withdraw his guilty plea.

7 **VII. APPLICATION OF SENTENCING STATUTES**

8 A. Maximum Penalty. The maximum penalty for Distribution of Child
9 Pornography under 18 U.S.C. § 2252A(a)(2) is a 20-year prison sentence, a fine of
\$ 250,000, or both. See 18 U.S.C. § 2252A(b)(1); 18 U.S.C. § 3571(b)(3).

10 B. Mandatory Minimum Sentencing Provision. The statutory mandatory
11 minimum sentence for Distribution of Child Pornography 18 U.S.C. § 2252A(a)(2) is
12 a 5-year prison sentence. The defendant understands that he cannot and will not
13 receive a sentence that is lower than five years in prison.

14 C. Factors Under 18 U.S.C. § 3553. The Court must consider the factors
15 set forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However,
16 the statutory maximum sentence and any statutory minimum sentence limit the
Court's discretion in determining the defendant's sentence.

17 D. Parole Abolished. The defendant acknowledges that his prison
18 sentence cannot be shortened by early release on parole because parole has been
abolished.

19 E. Supervised Release. In addition to imprisonment and a fine, the
20 defendant will be subject to a minimum term of supervised release of 5 years, and
21 up to a maximum term of life. 18 U.S.C. § 3583(k). Supervised release is a period of
22 time after release from prison during which the defendant will be subject to various
23 restrictions and requirements. If the defendant violates any condition of supervised
24 release, the Court may order the defendant's return to prison for all or part of the

term of supervised release, which could result in the defendant serving a total term of imprisonment greater than the statutory maximum prison sentence of 20 years on any one count.

F. Special Assessment. The defendant will pay a \$100.00 special assessment per count at the time of sentencing.

IX. POSITIONS REGARDING SENTENCE

In setting forth the following sentencing recommendations, the parties have taken into consideration all of the factors set forth in 18 U.S.C. § 3553(a), including:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed—
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established for—
 - (A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines
- (5) any pertinent policy statement
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

See 18 U.S.C. § 3553(a). In particular, the parties have already considered the defendant's age and lack of substantial criminal history, as well as total relevant offense conduct, and have balanced those factors against the need for the recommended sentence to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense. Moreover, the parties have given the defendant the benefit of his bargain by allowing him to avoid a 180-month mandatory minimum sentence on Count 1 – Sexual Exploitation of Children currently set forth in the Criminal Indictment.

1 The United States and the Defendant agree that they will jointly recommend
2 that the Court sentence the defendant to 144 months in custody with lifetime
3 supervised release to follow. The parties will further jointly recommend that the
4 defendant be given credit for the time he has been in State Custody starting from
5 July 14, 2017, pursuant to a variance. The parties will also jointly recommend that
6 the sentence imposed in this case run concurrent with defendant's sentence in State
7 of Nevada case number C-18-331032-1. The defendant acknowledges that the Court
8 does not have to follow the parties' recommendations. However, if the defendant
9 commits any act that could result in a loss of the downward adjustment for
10 acceptance of responsibility, including attempting to withdraw his guilty plea, the
11 United States is entitled to argue for a sentence up to the statutory maximum
12 sentence, or alternatively withdraw from the plea agreement in its sole discretion,
13 but the defendant will not have the right to withdraw his guilty plea.

14 This Plea Agreement does not require that United States file any pre- or post-
15 sentence downward departure motion under USSG § 5K1.1 or Fed. R. Crim. P. 35.
16 The United States reserves its right to defend any lawfully imposed sentence on
17 appeal or in any post-conviction litigation.

18 The defendant will not directly or indirectly request a sentence below 144
19 months custody or less than a lifetime term of supervised release, with the exception
20 of the aforementioned agreements.

21 The United States will move to dismiss any remaining counts at the time of
22 sentencing.

23 **X. RESTITUTION**

24 The defendant acknowledges that the conduct to which he is entering a plea
of guilty gives rise to mandatory restitution to VICTIM 1 under 18 U.S.C. § 2259. In
light of the fact that certain charges are being dismissed, the defendant agrees that
for the purpose of assessing restitution, the Court may consider losses derived from
the counts of conviction as well as losses caused from dismissed counts and

1 uncharged conduct in which the defendant has been involved. The Government
 2 intends to show the “full amount of the victim’s losses” reasonably calculated and
 3 foreseeable to the defendant’s actions at the time of sentencing.

4 The defendant acknowledges that because his offense conduct occurred after
 5 May 29, 2015, and unless the Sentencing Court finds the defendant to be indigent,
 6 an additional mandatory special assessment of \$5,000.00 per count must be imposed
 7 pursuant to the Justice for Victims of Trafficking Act of 2015 which amends 18
 U.S.C. §3014.

8 **XI. FORFEITURE**

9 The defendant knowingly and voluntarily:

10 A. Agrees to the District Court imposing the civil judicial forfeiture or the
 criminal forfeiture of:

11 1. Cell phone, IMEI 0C5891021319286, FCC ID# SRQ-Z970

12 (all of which constitutes property);

13 B. Agrees to the abandonment, the civil administrative forfeiture, the civil
 14 judicial forfeiture, or the criminal forfeiture of the property;

15 C. Abandons or forfeits the property to the United States;

16 D. Relinquishes all right, title, and interest in the property;

17 E. Waives his right to any abandonment proceedings, any civil
 18 administrative forfeiture proceedings, any civil judicial forfeiture proceedings, or
 any criminal forfeiture proceedings of the property (proceedings);

19 F. Waives service of process of any and all documents filed in this action
 20 or any proceedings concerning the property arising from the facts and circumstances
 of this case;

21 G. Waives any further notice to him, his agents, or his attorney regarding
 22 the abandonment or the forfeiture and disposition of the property;

23 H. Agrees not to file any claim, answer, petition, or other documents in
 24 any proceedings concerning the property;

1 I. Waives the statute of limitations, the CAFRA requirements, Fed. R.
2 Crim. P. 7, 11, and 32.2, all constitutional requirements, including, but not limited
3 to, the constitutional due process requirements of any proceedings concerning the
4 property;

5 J. Waives his right to a jury trial on the forfeiture of the property;

6 K. Waives all constitutional, legal, and equitable defenses to the forfeiture
7 or abandonment of the property in any proceedings, including, but not limited to, (1)
8 constitutional or statutory double jeopardy defenses and (2) defenses under the
9 Excessive Fines or Cruel and Unusual Punishments Clauses of the Eighth
10 Amendment to the United States Constitution;

11 L. Agrees to the entry of an Order of Forfeiture of the property to the
12 United States;

13 M. Waives the right to appeal any Order of Forfeiture;

14 N. Agrees the property is forfeited to the United States;

15 O. Agrees and understands the abandonment, the civil administrative
16 forfeiture, the civil judicial forfeiture, or the criminal forfeiture of the property shall
17 not be treated as satisfaction of any assessment, fine, restitution, cost of
18 imprisonment, or any other penalty the Court may impose upon the defendant in
19 addition to the abandonment or the forfeiture;

20 P. Acknowledges that the amount of the forfeiture may differ from, and
21 may be significantly greater than or less than, the amount of restitution; and

22 Q. Agrees to take all steps as requested by the United States to pass clear
23 title of the property to the United States and to testify truthfully in any judicial
24 forfeiture proceedings. The defendant understands and agrees that the property
represents proceeds and/or facilitating property of illegal conduct and is forfeitable.
The defendant acknowledges that failing to cooperate in full in the forfeiture of the
property constitutes a breach of this Plea Agreement.

1 **XII. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

2 Before or after sentencing, upon request by the Court, the United States, or
3 the Probation Office, the defendant will provide accurate and complete financial
4 information, submit sworn statements, and/or give depositions under oath
5 concerning his assets and his ability to pay. The defendant will surrender assets he
6 obtained directly or indirectly as a result of his crimes, and will release funds and
7 property under his control in order to pay any fine, forfeiture, or restitution ordered
by the Court.

8 **XIII. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS**

9 A. Plea Agreement and Decision to Plead Guilty. The defendant
acknowledges that:

- 10 1. He has read this Plea Agreement and understands its terms and
11 conditions;
- 12 2. He has had adequate time to discuss this case, the evidence, and
13 this Plea Agreement with his attorney;
- 14 3. He has discussed the terms of this Plea Agreement with his
attorney;
- 15 4. The representations contained in this Plea Agreement are true
16 and correct, including the facts set forth in Section IV; and,
- 17 5. He was not under the influence of any alcohol, drug, or medicine
18 that would impair his ability to understand the Agreement when he considered
signing this Plea Agreement and when he signed it.

19 The defendant understands that he alone decides whether to plead
20 guilty or go to trial, and acknowledges that he has decided to enter his guilty plea
21 knowing of the charges brought against him, his possible defenses, and the benefits
22 and possible detriments of proceeding to trial. The defendant also acknowledges
23 that he decided to plead guilty voluntarily and that no one coerced or threatened him
24 to enter into this Plea Agreement.

1 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
 2 knowingly and expressly waives: (a) the right to appeal any sentence imposed within
 3 or below the applicable Sentencing Guideline range as determined by the Court; (b)
 4 the right to appeal the manner in which the Court determined that sentence on the
 5 grounds set forth in 18 U.S.C. § 3742; and, (c) the right to appeal any other aspect of
 6 the conviction or sentence and any order of restitution or forfeiture.

7 The defendant also knowingly and expressly waives all collateral
 8 challenges, including any claims under 28 U.S.C. § 2255, to his conviction, sentence,
 9 and the procedure by which the Court adjudicated guilt and imposed sentence,
 10 except non-waivable claims of ineffective assistance of counsel.

11 The defendant reserves only the right to appeal any portion of the
 12 sentence that is an upward departure from the Sentencing Guidelines range
 13 determined by the Court.

14 The defendant acknowledges that the United States is not obligated or
 15 required to preserve any evidence obtained in the investigation of this case.

16 C. Removal/Deportation Consequences. The defendant understands and
 17 acknowledges that if he is not a United States citizen, then it is highly probable that
 18 he will be permanently removed (deported) from the United States as a consequence
 19 of pleading guilty under the terms of this Plea Agreement. The defendant has also
 20 been advised if his conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he
 21 will be deported and removed from the United States and will not be allowed to
 22 return to the United States at any time in the future. The defendant desires to plead
 23 guilty regardless of any immigration consequences that may result from his guilty
 24 plea, even if the consequence is automatic removal from the United States with no
 possibility of returning. The defendant acknowledges that he has specifically
 discussed these removal/deportation consequences with his attorney.

25 XIV. SEX OFFENDER REQUIREMENTS (SORNA)

26 The defendant understands and agrees that under the Sex Offender

1 Registration and Notification Act ("SORNA"), 42 U.S.C. § 16901 *et. seq.*, he must
2 register as a sex offender and keep the registration current in each of the following
3 jurisdictions: (1) where the defendant resides; (2) where the defendant is an
4 employee; and (3) where the defendant is a student. The defendant understands that
5 he must comply with all the registration requirements contained in SORNA. 42
6 U.S.C. § 16901 *et. seq.* The defendant further understands that the requirements for
7 registration include, but are not limited to, providing defendant's name, residence
8 address, and the names and addresses of any places where the defendant is or will
be an employee or a student.

9 The defendant further understands that the requirement to keep the
10 registration current includes, but is not limited to, informing at least one jurisdiction
11 in which the defendant resides, is an employee, or is a student no later than three
12 business days after any change of defendant's name, residence, employment, or
13 student status. The defendant has been advised, and understands, that failure to
14 comply with these obligations subjects the defendant to an additional prosecution
for failure to register as a sex offender under 18 U.S.C. § 2250(a).

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1 **XV. ADDITIONAL ACKNOWLEDGMENTS**

2 This Plea Agreement resulted from an arms-length negotiation in which both
 3 parties bargained for and received valuable benefits in exchange for valuable
 4 concessions. It constitutes the entire agreement negotiated and agreed to by the
 5 parties. No promises, agreements or conditions other than those set forth in this
 6 agreement have been made or implied by the defendant, the defendant's attorney,
 7 or the United States, and no additional promises, agreements or conditions shall
 8 have any force or effect unless set forth in writing and signed by all parties or
 confirmed on the record before the Court.

9
 10 DAYLE ELIESON
 UNITED STATES ATTORNEY

11 DATE: 6/23/18

12 Elham Roohani
 ELHAM ROOHANI
 ASST. UNITED STATES ATTORNEY

13
 14 DATE: 6/13/18

15 Nisha Brooks Whittington
 NISHA BROOKS WHITTINGTON
 ATTORNEY FOR DEFENDANT

16
 17 DATE: 6-13-2018

18 John Lewis Owens II
 JOHNE LEWIS OWENS II
 DEFENDANT